UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| RONNOCO COFFEE, LLC, d/b/a RONNOCO BEVERAGE SOLUTIONS, |)) | |
|--|-----|-----------------------|
| Plaintiff, |) | |
| v. |) | No. 4:21-CV-00071 JAR |
| KEVIN CASTAGNA and JEREMY TORRES, |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Ronnoco's Motion for Leave to File First Amended Verified Complaint. (Doc. No. 52). The motion is fully briefed and ready for disposition.

Ronnoco has moved for leave to amend its complaint in three respects: (i) to correct its state of organization (Delaware rather than Missouri); (ii) to clarify its corporate structure; and (iii) to withdraw its demand for a jury trial. Defendants do not oppose leave to amend Ronnoco's state of incorporation or to clarify Ronnoco's corporate structure, provided that corporate structure is accurately reflected by documents produced in discovery. (Doc. No. 57 at 7). Defendants do, however, oppose leave to withdraw Ronnoco's demand for a jury trial, arguing that Ronnoco cannot do so without their consent, citing Fed. R. Civ. P. 38(d). (Id. at 3-4). The Court has considered the jury trial issue and Defendants' arguments and concluded that the trial of this case will proceed as a bench trial rather than a jury trial. (Doc. No. 63 at 2) ("The Court

finds the jury waiver provision of the [Fair Competition] Agreements are enforceable and will set this matter for a bench trial."). Because Ronnoco's motion is otherwise unopposed,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File First Amended Verified Complaint [52] is GRANTED. The Clerk is directed to docket Plaintiff's First Amended Verified Complaint, which is attached as Exhibit 1 to its motion.

Dated this 30th day of April, 2021.

JOHN A. ROSS

UNITED STATES DISTRICT JUDGE